

## ECOS 2014 Spring Meeting – Region III Hot Topics

### D.C., DE, MD, PA, NY, WV, VA

**Chesapeake Bay Agreement:** The Chesapeake Bay Partnership is developing a new agreement for Bay restoration. If all signatories can reach consensus, the current schedule calls for the new Watershed Agreement to be signed by the Chesapeake Executive Council by summer 2014. The current draft Agreement, which was released for public input, includes shared goals and outcomes for sustainable fisheries, habitat restoration, water quality, healthy watersheds, land conservation, public access and environmental literacy. The agreement is intended to encourage a forward-looking approach to conservation and restoration.

### D.C.

**Anacostia River Remedial Investigation/Feasibility Study (RI/FS):** The District Department of the Environment (DDOE) is conducting a RI/FS of the Anacostia River sediments to identify existing sources of sediment contamination, evaluate the nature and extent of contamination in the sediments in the tidal portion of the river and assess human health, environment and ecological risks. DDOE recently released the draft RI Work Plan for public review and comment. The draft plan will serve as the planning document governing characterization of river surface water, biota and sediments for completing the RI. DDOE plans to build on data obtained from previous investigations and obtain new data as needed.

### DELAWARE

**Climate Change:** Governor Markell is one of eight gubernatorial appointees to President Obama's Task Force on climate change. During Delaware's first Sea Level Rise Awareness Week (September 14-22, 2013), Markell signed E.O. 41 requiring all state agencies to prepare for emerging climate impacts and seize economic opportunities from reducing emissions. A Sea Level Rise Advisory Committee was convened in November 2010. Its final report, "Preparing for Tomorrow's High Tide: Recommendations for Adapting to Sea Level Rise in Delaware," was released in December 2013.

**Air Pollution:** On Dec. 9, 2013, Delaware, Maryland and six other states (CT, MA, NH, NY, RI, VT) petitioned EPA to require nine upwind states (IL, IN, KY, MI, NC, OH, TN, VA, WV) to join the Ozone Transport Region and reduce air pollution that causes downwind health impacts.

**Fort DuPont/Governor Bacon Removal Action:** At the request of the Delaware Department of Natural Resources and Environmental Control (DNREC), EPA conducted a removal assessment of a small portion of a former landfill adjacent to the Delaware River-bank near Governor Bacon Health Center and Fort DuPont State Park. EPA found elevated levels of lead and lower levels of other hazardous substances including PCBs in sediment. EPA will begin a removal action in April 2014 to address the contaminated sediment. A public meeting is being held on Thursday, March 27 to explain and answer questions about EPA's removal plan.

**Maine Clean Air Act Waiver** - In 2013, Maine requested a waiver from NOx and VOC regulations to encourage more business investments. Last August, EPA Region I published a notice of proposed rulemaking to approve Maine's request. Approval of this rulemaking would allow new sources to meet PSD requirements for NOx instead of NSR requirements for the 8-hour ozone NAAQS. Other states in the Ozone Transport Region - DE, MD, NY have expressed concerns with proposal, as well as EPA Regions II and III. Region III recommends this action be re-proposed and done in accordance with the requirements of the CAA. There have been discussions between the RAs for Regions I, II and III with HQ. Another call is scheduled for Thursday, March 27 with HQ to further discuss this issue.

### MARYLAND

**Harbor Point:** EPA and Maryland Department of the Environment (MDE) have completed a review of the pre-construction air monitoring work plan for the Harbor Point redevelopment project in Baltimore MD and provided combined comments on the plan to Beatty Development Group, the developer, and Honeywell, the property owner. EPA and MDE will review the revised plan for approval as required by the consent decree.

**Climate Change:** Governor O'Malley is one of eight gubernatorial appointees to President Obama's task force on climate change.

**Climate Change – Air Quality:** In October 2013, MD joined with seven other states (CA, CT, MA, NY, OR, RI, VT) in a pledge to put 3.3 million zero-emission vehicles on the road by 2015. In July 2013, MD released its Greenhouse Gas Reduction Plan including 150 programs and initiatives to drive down greenhouse gases 25 percent by 2020, generating \$1.6 B in economic benefits and supporting over 37,000 jobs.

**Conowingo Dam:** The Senate Environment and Public Works - Water and Wildlife Subcommittee is planning a field hearing on May 5, 2014 regarding the effect of sediment behind the Conowingo Dam and its effect on water quality. A request for witnesses from Maryland Department of the Environment and the US Army Corps of engineers is expected. The current trapping efficiencies as well as a reduction in future capacity was factored into the Chesapeake Bay TMDL. The Conowingo hydroelectric facility, operated by Exelon, filed for FERC re-licensing in 2012. FERC, as lead federal agency, is preparing an Environmental Impact Statement. EPA supports the need to include the most recent science, including the U.S. Army Corps of Engineer led Lower Susquehanna River Watershed Assessment (LSRWA), as part of the environmental documentation under NEPA. The LSRWA is a three-year effort to assess the trapping capacity behind the Conowingo Dam and impacts to water quality in the upper Chesapeake Bay from reservoir infill. EPA is providing water quality modeling support to assess impact on Chesapeake Bay water quality and also to support initial assessments of possible mitigation.

## **PENNSYLVANIA**

**Climate Change:** PA DEP has a draft climate action plan as of December 2013. The new draft plan, however, does not set emission reductions. The PA Climate Change Act of 2008 requires the DEP to submit to the governor a Climate Change Action Plan that is revised every three years.

**Underground Injection Control Permit Activity:** The increased use of horizontal drilling and the volume of fluid needed to frac these wells has led to increased volumes of produced fluids to be handled in association with shale development. With new restrictions by the Commonwealth on discharging to POTW's or CWTs, injection and re-use/recycling are both more economically viable than when surface discharge was the inexpensive option. With the elimination of surface discharge options, the Region, as the primacy agency for Pennsylvania's UIC program, has seen about a 50% increase in UIC permit activity.

## **VIRGINIA**

**Climate Change:** On June 15, 2011, former Gov. McDonnell signed eight renewable energy bills. The VA climate plan, created in 2008, was decommissioned under Governor McDonnell. Newly-elected Gov. McAuliffe has not yet stated what he will do to address climate change.

**Commonwealth Crossing:** The Commonwealth Crossing proposal involves the development of a 739 acre parcel to support economic revitalization in tobacco agriculture areas. During the first 175 acres of development, 1.9 miles of stream and 0.30 acres of wetlands would be impacted. EPA has worked with

and submitted comments to the Army Corps of Engineers (ACOE) on the site permit application to ensure that it meets Section 404(b)(1) Guidelines. A 2014 House Report for the Energy and Water Development Appropriations Bill encouraged the ACOE to work with these kinds of permit applicants to reach a better balance between allowing desperately-needed economic development, while still safeguarding important environmental resources. The permitting process for this site is still underway by the ACOE.

**Superfund Coordination and Atlantic Wood Industries Site** – The Atlantic Wood Industries (AWI) Superfund Site is approximately 48 acres of land on the industrialized waterfront of Portsmouth, Virginia, and 30 to 35 acres of contaminated sediments in the Southern Branch of the Elizabeth River. The Virginia Department of Environmental Quality (VADEQ) and EPA have signed an amended Site Superfund Contract (SSC) after protracted negotiations related to program communication and costs. The increased cleanup costs at the AWI site resulted in an unanticipated increase in the Commonwealth's ten percent share of the cleanup costs, as well as the cost of operation and maintenance that will be required at the close of the remediation. EPA is working with VADEQ to improve coordination efforts and will be jointly developing Guiding Principles that will govern our interactions at all Superfund sites in Virginia.

## **WEST VIRGINIA**

***Freedom Industries chemical spill (January 9)*** – The Region 3 Lab is providing analytical and technical support to remediation and eventual dismantling of the Freedom Industries site. Responding to a public confidence crisis, the state is standing up its own residential testing program using independent contractors. NOTE: On February 5, RA Garvin met with Governor Tomblin, his cabinet, staff and representatives of the CDC. They discussed the role of the federal government and the support EPA has provided the state in response to the chemical spill. They were later joined by members of the state legislature and local officials. Following the meeting RA Garvin participated in a press conference that was covered by local and national press. The Governor and his cabinet were extremely appreciative of the federal support.

***Buffalo Mtn/King Coal Highway – Adverse Rating:*** In June 2012, Region 3 provided an adverse rating of the King Coal Highway/Buffalo Mountain Draft EIS. The Region is coordinating with FHWA and the CORPS and anticipates reviewing the final SEIS in early spring 2014.

***Climate Change:*** By the end of 2014, West Virginia will have all of its 1997 PM2.5 nonattainment areas redesignated into attainment. After years of virtually no activity, West Virginia utilities have begun implementing some small-scale customer energy efficiency programs. The state is facing dramatic price increases for residential customers and a general interest in energy efficiency is emerging as a way to create a hedge against rising rates by lowering energy bills.